



In re Application of  
Pagano, et al.

Examiner: Gollamudi

Art Unit: 1616

**For: NAIL ENAMEL COMPOSITIONS,  
RELATED METHODS, AND A TWO  
COMPONENT KIT FOR PAINTING  
THE NAILS**

X

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME  
CITED PATENT OR PUBLICATION (37 CFR §1.131)

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2. The persons making this declaration are Frank Charles Pagano, Anjali Abhimanyu Patil, Joseph Frank Calello, and Robert Walter Sandewicz, four of the five joint inventors. Co-inventor George Harvey Armstrong did not sign off on this Declaration because he is no longer employed by Revlon Consumer Products Corporation, assignee of the above referenced application.

#### FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

- A photocopy of page 20 from Laboratory Notebook No. AAP4, entitled Project No. 6H367, "Polymers for Adhesion Test". The page is signed in the middle by Anjali Abhimanyu Patil and witnessed by Shichiu Kwan, with both signatures on November 10, 1997. This indicates that the formulas referenced above these signatures were prepared on November 10, 1997. In particular, nail enamel formulas were prepared with polymers and solvent. One of the polymers used was a copolymer of butyl methacrylate and acrylic acid (BMA/AA). The compositions prepared on the November 10, 1997 date were later tested for nail enamel adhesion. The entire notebook page was signed Anjali Abhimanyu Patil on December 11, 1997 and witnessed on the same day.

From this document it can be seen that the invention claimed in this application was made and reduced to practice by at least November 10, 1997, which is well prior to the July 1, 1999 effective date of the '878 Patent.

## TIME OF PRESENTATION OF DECLARATION

This declaration is submitted after final rejection.

## DECLARATION

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE

A. Inventor

Frank Charles Pagano  
Frank Charles Pagano

Date: Jan. 13, 2004

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Residence: 3 Matano Court, Monroe Township, New Jersey 08831

B. Inventor

Anjali Abhimanyu Patil  
Anjali Abhimanyu Patil

Date: Jan 13, 2004

Country of Citizenship: USA

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C. Inventor

Joseph Frank Calello  
Joseph Frank Calello

Date: JAN. 13, 2004

Country of Citizenship: USA

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D. Inventor

Robert Walter Sandewicz  
Robert Walter Sandewicz

Date: Jan 13, 2004

Country of Citizenship: USA

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PURPOSE: To find out if acid group or AAEMA group <sup>AP</sup> ~~or the~~ has more adhesion to the keratine substrate.

|   | ①    | ②    |
|---|------|------|
| Polymer lot # 14780 -90 (49.5705)           | 84.5 | -    |
| (BMA (80) / AAEMA (20))                     | -    | 84.5 |
| Polymer lot # 14780 -92 (50.3705)           | -    | 84.5 |
| (BMA (90) / AA (10))                        | 2.5  | 2.5  |
| Diisopropyl adipate (lot # same as AAPH-12) | 13.0 | 13.0 |
| Butyl acetate (lot # same as AAPH-12)       |      |      |

SH (2, 2H hrs) \*  
X Hatch 2H hrs

\* (method used: IP # 7201.012)

Anyali A. Patel  
Nov 10, 1997

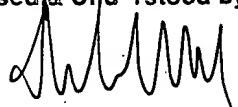
Witnessed by  
[Signature] Nov. 10, 1997

The results from the Quad Group in WA star (via creative Nail Design) are as follows:

|             |                        |                         |
|-------------|------------------------|-------------------------|
| AAPH - 2011 | Average force required | 512.1 J/m <sup>2</sup>  |
| AAPH - 2012 | ————— " —————          | 1596.3 J/m <sup>2</sup> |

Acrylic acid copolymer has statistically better adhesion to the keratin substrate than AAEMA copolymer.

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|  |                    |                                |                       |
|--|--------------------|--------------------------------|-----------------------|
| Witnessed & Understood by me,<br> | Date<br>Dec. 11/97 | Invented by<br>Anyali A. Patel | Date<br>Dec. 11, 1997 |
|  |                    | Recorded by                    |                       |